

1 Jerry L. Steering (SBN 122509)  
2 Law Offices of Jerry Steering  
3 4063 Birch Street, Suite 100  
4 Newport Beach, California 92660  
5 (949) 474-1849  
6 (949) 474-1883 Fax  
7 jerrysteering@yahoo.com

8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 ROBERT PITT,

11 Plaintiff,

12 vs.

13 COUNTY OF SAN DIEGO, DAVID  
14 SMITH, TIM SCHWUCHOW and  
15 DOES 1 through 10, inclusive,  
16 Defendants.

Case No.: 16CV-0515-CAB-NNNLS

DECLARATION OF JERRY L.  
STEERING IN SUPPORT OF  
PLAINTIFF'S EX PARTE  
APPLICATION TO ENLARGE TIME  
TO SERVE FIRST AMENDED  
COMPLAINT ON DEFENDANT  
DAVID SMITH

DATE: MAY 11, 2016

TIME: 1:30 P.M.

UNITED STATES DISTRICT JUDGE  
CATHY ANN BENCIVENGO

22 I, Jerry L. Steering, do hereby declare that the facts set forth herein are  
23 based upon my personal knowledge and if called upon to testify I could do so  
24 competently:  
25

26 1) I am counsel for plaintiff Robert Pitt in this action.  
27

28 DECLARATION OF JERRY L. STEERING IN SUPPORT OF PLAINTIFF'S EX PARTE  
APPLICATION TO ENLARGE TIME TO SERVE FIRST AMENDED COMPLAINT ON  
DEFENDANT DAVID SMITH

- 1           2)     This instant action was filed on February 29, 2016.
- 2
- 3           3)     The original Complaint in this case included the following persons
- 4                 as party defendants: County Of San Diego, David R. Smith, Troy J.
- 5                 Doran and George Calderon.
- 6
- 7           4)     The “David R. Smith” named as a party defendant to this action was
- 8                 served with the original Summons and Complaint in this action on
- 9                 March 10, 2016. See, attached Exhibit “A”; a true and correct copy of
- 10                the proof of service in this case on defendant “David R. Smith” on
- 11                March 10, 2016.
- 12
- 13           5)     Moreover, defendant County of San Diego was served with the
- 14                 original Summons and Complaint in this action on March 15, 2016.
- 15                 See, attached Exhibit “B”; a true and correct copy of the proof of
- 16                 service in this case on defendant County of San Diego on March 15,
- 17                 2016.
- 18
- 19           6)     Moreover, former defendant Troy J. Doran was served with the
- 20                 original Summons and Complaint in this action on March 15, 2016.
- 21                 See, attached Exhibit “C”; a true and correct copy of the proof of
- 22                 service in this case on defendant Troy J. Doran on March 15, 2016.
- 23
- 24           7)     Moreover, former defendant George Calderon was served with the
- 25
- 26
- 27

28     DECLARATION OF JERRY L. STEERING IN SUPPORT OF PLAINTIFF’S EX PARTE  
APPLICATION TO ENLARGE TIME TO SERVE FIRST AMENDED COMPLAINT ON  
DEFENDANT DAVID SMITH

1 original Summons and Complaint in this action on March 15, 2016.

2 See, attached Exhibit “C”; a true and correct copy of the proof of  
3 service in this case on defendant George Calderon on March 16,  
4 2016. See, attached Exhibit “D”; a true and correct copy of the proof  
5 of service in this case on defendant George Calderon on March 16,  
6 2016.  
7

8  
9 8) Thereafter, my office was informed that the “David R. Smith” served  
10 as a party defendant in this case was the wrong “David Smith”, and  
11 that there is another “David Smith” who is the actual San Diego  
12 County Sheriff’s Department deputy sheriff who arrested the plaintiff  
13 during the incident complained of in this case.  
14

15  
16 9) After learning that information about having served the wrong  
17 “David Smith” as well as additional information about the facts of  
18 this action, on April 12, 2016, I filed a First Amended Complaint in  
19 this action, deleting Troy J. Doran and George Calderon as party  
20 defendants, and adding Tim Schwuchow as a party defendant to this  
21 action. See, Civil Docket Items 4 and 5.  
22  
23

24  
25 10) Thereafter, on April 25, 2016 I served the First Amended Summons  
26  
27

28 DECLARATION OF JERRY L. STEERING IN SUPPORT OF PLAINTIFF’S EX PARTE  
APPLICATION TO ENLARGE TIME TO SERVE FIRST AMENDED COMPLAINT ON  
DEFENDANT DAVID SMITH

1 and First Amended Complaint on newly added defendant Tim  
2 Schwuchow. See, attached Exhibit “E”; a true and correct copy of the  
3 proof of service in this case on defendant Tim Schwuchow on March  
4 16, 2016.  
5

6  
7 11) I had my attorney’s service attempt to serve the First Amended  
8 Summons and First Amended Complaint correct “David Smith” at  
9 the San Diego County Sheriff’s Department station that my office  
10 was told by the Sheriff’s Department that he was stationed at.  
11 However, my attorney’s service was told by the Sheriff’s Department  
12 that the correct “David Smith” was out on leave, that he has been  
13 gone for a month, and when he comes back that they do not know the  
14 station that he will be assigned to. See, attached Exhibit “F”; a true  
15 and correct copy of the attempted proof of service in this case on  
16 defendant David Smith on April 22, 2016 and April 25, 2016.  
17

18  
19 12) Because “David Smith” is a very common name, my private  
20 investigator could not locate the “David Smith” who is the proper  
21 party defendant in this action.  
22  
23  
24

25 13) Accordingly, thereafter, I contacted the Senior Deputy County  
26  
27

28 DECLARATION OF JERRY L. STEERING IN SUPPORT OF PLAINTIFF’S EX PARTE  
APPLICATION TO ENLARGE TIME TO SERVE FIRST AMENDED COMPLAINT ON  
DEFENDANT DAVID SMITH

Counsel for the San Diego County Counsel's Office who is handling this case, and with whom I have another pending federal civil rights action in this Honorable Court; James M. Chapin, Esq.

14) I asked Mr. Chapin if he was accept service of the First Amended Summons and First Amended Complaint for the County of San Diego, and for newly added defendant David Smith. See, attached Exhibit "G"; a true and correct copy of the email of May 10, 2016 to James Chapin from myself.

15) Mr. Chapin told me that he will accept service of the First Amended Summons and First Amended Complaint for defendant County of San Diego, and that he will attempt to locate and to convince newly added party defendant David Smith to permit him to accept service of First Amended Summons and First Amended Complaint for him. See, attached Exhibit "H"; a true and correct copy of the email of May 11, 2016 to myself from James Chapin.

15) In addition, Mr. Chapin has told me that he does not oppose this instant ex parte application.

16) Because I am not going to be able to serve corrected defendant

DECLARATION OF JERRY L. STEERING IN SUPPORT OF PLAINTIFF'S EX PARTE APPLICATION TO ENLARGE TIME TO SERVE FIRST AMENDED COMPLAINT ON DEFENDANT DAVID SMITH

1 “David Smith” with the First Amended Summons and  
2 First Amended Complaint in this case within the new ninety (90) day  
3 time limit prescribed by F.R.Civ.P. 4, on behalf plaintiff Robert Pitt, I  
4 hereby respectfully request that an order issue out of this Honorable  
5 Court, enlarging the time to serve defendant David Smith by sixty (60)  
6 days.  
7

8  
9 17) I declare under penalty of perjury under the laws of the United States  
10 of America that the above and foregoing is true and correct.  
11

12 This the 11<sup>th</sup> day of May, 2016 at Newport Beach, California.  
13

14 /s/ Jerry L. Steering

15 JERRY L. STEERING  
16  
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21  
22  
23  
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26  
27

28 DECLARATION OF JERRY L. STEERING IN SUPPORT OF PLAINTIFF’S EX PARTE  
APPLICATION TO ENLARGE TIME TO SERVE FIRST AMENDED COMPLAINT ON  
DEFENDANT DAVID SMITH

# EXHIBIT “A”

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Jerry L. Steering, SBN 122509 4063 Birch St Ste 100  Newport Beach CA 92660  ATTORNEY FOR (Name)		TELEPHONE NO. (949) 474-1849	FOR COURT USE ONLY	
Insert of Court Name of Judicial District and Branch Court if any UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA				
SHORT TITLE OF CASE PITT v COUNTY OF SAN DIEGO				
2971418	(HEARING) Date	Time	Dept	Case Number: 316CV00515CABNLS  REFERENCE NO. PITT, ROBERT

### PROOF OF SERVICE OF SUMMONS

1. AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION

2. I SERVED COPIES OF THE:  
 SUMMONS & COMPLAINT  
 CIVIL COVER SHEET  
 DEMAND FOR JURY TRIAL

3. a. PARTY SERVED: DAVID R. SMITH

b. PERSON SERVED: JAN WRIGHT, PERSON AUTHORIZED TO RECEIVE  
 CAUCASIAN FEMALE 50YRS 5'5" 225LBS. BROWN HAIR

4. c. ADDRESS: 13100 Bowron Rd  
 Poway CA 92064

5. I SERVED THE PARTY NAMED IN ITEM 2

a. BY PERSONALLY DELIVERING THE COPIES  
 ON 3/10/2016 AT 2:21:00 PM

6. THE "NOTICE TO PERSON SERVED" WAS COMPLETED AS FOLLOWS:

a. ON BEHALF OF: AN INDIVIDUAL DEFENDANT  
 DAVID R. SMITH

UNDER THE FOLLOWING CODE OF CIVIL PROCEDURE SECTION : CCP 415.10

7a. Person Serving: Christopher Abbott

b. DDS Legal Support  
 2900 Bristol St  
 Costa Mesa, Ca 92626

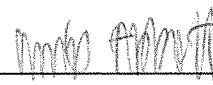
c. (714) 662-5555

d. The fee for service was \$113.40

e. I am:

- (1) not a registered California process server:  
 (3) X registered California process server:  
     (i) Independent Contractor  
     (ii) Registration No: 1547  
     (i) County: SAN DIEGO

8. I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Christopher Abbott  
 3/18/2016

X   
 SIGNATURE

# EXHIBIT “B”

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)		TELEPHONE NO.	FOR COURT USE ONLY
Jerry L. Steering, SBN 122509 4063 Birch St Ste 100		(949) 474-1849	
Newport Beach	CA	92660	
ATTORNEY FOR (Name)			
Insert of Court Name of Judicial District and Branch Court if any			
UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA			
SHORT TITLE OF CASE			
PITT v COUNTY OF SAN DIEGO			
2971415	(HEARING) Date	Time	Dept
Case Number: 316CV00515CABNLS			
REFERENCE NO. PITT, ROBERT			

**PROOF OF SERVICE OF SUMMONS**

1. AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION

2. I SERVED COPIES OF THE:  
SUMMONS & COMPLAINT  
CIVIL COVER SHEET  
DEMAND FOR JURY TRIAL

3. a. PARTY SERVED: COUNTY OF SAN DIEGO

c/o Board of Supervisors

b. PERSON SERVED: KARLA RAMIREZ, BOARD ASSISTANT AUTHORIZED TO  
RECEIVE, HISPANIC FEMALE 25YRS 5'5" 165LBS. BROWN HAIR BROWN EYES

4. c. ADDRESS: 1600 Pacific Hwy Ste 402  
San Diego CA 92101

5. I SERVED THE PARTY NAMED IN ITEM 2

a. BY PERSONALLY DELIVERING THE COPIES

ON 3/15/2016 AT 1:23:00 PM

6. THE "NOTICE TO PERSON SERVED" WAS COMPLETED AS FOLLOWS:

d. ON BEHALF OF:

COUNTY OF SAN DIEGO

UNDER THE FOLLOWING CODE OF CIVIL PROCEDURE SECTION : PUBLIC ENTITY CCP 416.50

7a. Person Serving: Christopher Abbott

b. DDS Legal Support  
2900 Bristol St  
Costa Mesa, Ca 92626

c. (714) 662-5555

d. The fee for service was \$73.40

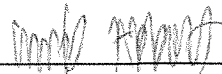
e. I am:

- (1) not a registered California process server:  
(3) X registered California process server:  
(i) Independent Contractor  
(i) Registration No: 1547  
(i) County: SAN DIEGO

8. I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Christopher Abbott

3/21/2016

X



SIGNATURE  
CRC 982(A)(23)

# EXHIBIT “C”

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)		TELEPHONE NO.	FOR COURT USE ONLY
Jerry L. Steering, SBN 122509 4063 Birch St Ste 100		(949) 474-1849	
Newport Beach CA 92660			
ATTORNEY FOR (Name)			
Insert of Court Name of Judicial District and Branch Court if any			
UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA			
SHORT TITLE OF CASE			
PITT v COUNTY OF SAN DIEGO			
2971409	(HEARING) Date	Time	Dept
Case Number:			316CV00515CABNLS
REFERENCE NO.			PITT, ROBERT

### PROOF OF SERVICE OF SUMMONS

1. AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION

2. I SERVED COPIES OF THE:  
SUMMONS & COMPLAINT  
CIVIL COVER SHEET  
DEMAND FOR JURY TRIAL

3. a. PARTY SERVED: TROY J. DORAN

CAUCASIAN MALE 40YRS 6'00" 215LBS. GRAY HAIR

b. PERSON SERVED: PARTY IN ITEM 3A

4. c. ADDRESS: 12365 Parkside St  
Lakeside CA 92040

5. I SERVED THE PARTY IN 3 A

ON 3/15/2016 AT 3:22:00 PM

a. BY PERSONALLY DELIVERING THE DOCUMENTS LISTED IN ITEM 2

6. THE "NOTICE TO PERSON SERVED" WAS COMPLETED AS FOLLOWS:

a. ON BEHALF OF: AS AN INDIVIDUAL DEFENDANT

TROY J. DORAN

UNDER THE FOLLOWING CODE OF CIVIL PROCEDURE SECTION : CCP 415.10

7a. Person Serving: Christopher Abbott

b. DDS Legal Support  
2900 Bristol St  
Costa Mesa, Ca 92626

c. (714) 662-5555

d. The fee for service was \$104.90

e. I am:

- (1) not a registered California process server:  
(3) X registered California process server:  
(i) Independent Contractor  
(i) Registration No: 1547  
(i) County: SAN DIEGO

8. I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Christopher Abbott

3/16/2016

X



SIGNATURE

# EXHIBIT “D”

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) <b>Jerry L. Steering, SBN 122509</b> <b>4063 Birch St Ste 100</b>  <b>Newport Beach CA 92660</b>		TELEPHONE NO. <b>(949) 474-1849</b>	FOR COURT USE ONLY	
ATTORNEY FOR (Name)				
Insert of Court Name of Judicial District and Branch Court if any <b>UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA</b>				
SHORT TITLE OF CASE <b>PITT v COUNTY OF SAN DIEGO</b>				
<b>2971417</b>	(HEARING) Date	Time	Dept	Case Number: <b>316CV00515CABNLS</b>
				REFERENCE NO. <b>PITT, ROBERT</b>

### PROOF OF SERVICE OF SUMMONS

- AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION
- I SERVED COPIES OF THE:  
 SUMMONS & COMPLAINT  
 CIVIL COVER SHEET  
 DEMAND FOR JURY TRIAL

- a. PARTY SERVED: **GEORGE CALDERON**

**AFRICAN AMERICAN MALE 42YRS 5'9" 170LBS. BLACK HAIR BROWN EYES**

- b. PERSON SERVED: PARTY IN ITEM 3A

- c. ADDRESS: **10440 Black Mountain Rd Rm #210**  
**San Diego CA 92126**

- I SERVED THE PARTY IN 3 A

ON **3/16/2016** AT **9:35:00 AM**

- a. BY PERSONALLY DELIVERING THE DOCUMENTS LISTED IN ITEM 2

- THE "NOTICE TO PERSON SERVED" WAS COMPLETED AS FOLLOWS:

- a. ON BEHALF OF: AS AN INDIVIDUAL DEFENDANT

**GEORGE CALDERON**

UNDER THE FOLLOWING CODE OF CIVIL PROCEDURE SECTION : CCP 415.10

7a. Person Serving: **Christopher Abbott**

b. DDS Legal Support  
 2900 Bristol St  
 Costa Mesa, Ca 92626

c. (714) 662-5555

8. I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. **Christopher Abbott**

**3/17/2016**

d. The fee for service was **\$88.40**

e. I am:

- not a registered California process server:
- ☒ registered California process server:
  - Independent Contractor
  - Registration No: **1547**
  - County: **SAN DIEGO**

X

**SIGNATURE**

# EXHIBIT “E”

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)		TELEPHONE NO.	FOR COURT USE ONLY
JERRY L. STEERING SBN 122509 4063 Birch St Ste 100		(949) 474-1849	
Newport Beach CA 92660			
ATTORNEY FOR (Name)			
Insert of Court Name of Judicial District and Branch Court if any			
UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA			
SHORT TITLE OF CASE			
PITT v COUNTY			
2989112	(HEARING) Date	Time	Dept
Case Number:			16CV0515CABNNLS
REFERENCE NO.			PITT, ROBERT

**PROOF OF SERVICE OF SUMMONS**

1. AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION
2. I SERVED COPIES OF THE:  
SUMMONS ON FIRST AMENDED COMPLAINT & FIRST AMENDED COMPLAINT

3. a. PARTY SERVED: TIM SCHWUCHOW

CAUCASIAN MALE 55YRS 6'0" 200LBS. BROWN HAIR BLUE EYES

- b. PERSON SERVED: PARTY IN ITEM 3A

4. c. ADDRESS: 9915 N Magnolia Ave  
Santee CA 92071

5. I SERVED THE PARTY IN 3 A

ON 4/25/2016 AT 1:30:00 PM

- a. BY PERSONALLY DELIVERING THE DOCUMENTS LISTED IN ITEM 2

6. THE "NOTICE TO PERSON SERVED" WAS COMPLETED AS FOLLOWS:

- a. ON BEHALF OF: AS AN INDIVIDUAL DEFENDANT

TIM SCHWUCHOW

UNDER THE FOLLOWING CODE OF CIVIL PROCEDURE SECTION : CCP 415.10

7a. Person Serving: Gregory Anthony Cole

b. DDS Legal Support  
2900 Bristol St  
Costa Mesa, Ca 92626

c. (714) 662-5555

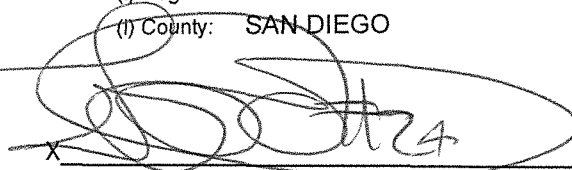
8. I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Gregory Anthony Cole

4/27/2016

d. The fee for service was \$113.40

e. I am:

- (1) not a registered California process server:
- (3) X registered California process server:
  - (i) Independent Contractor
  - (i) Registration No: 387
  - (i) County: SAN DIEGO



SIGNATURE

**EXHIBIT “F”**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Jerry Steering SBN 122509 4063 Birch St Ste 100  Newport Beach CA 92660		TELEPHONE NO. (949) 474-1849	FOR COURT USE ONLY	
ATTORNEY FOR (Name)				
Insert of Court Name of Judicial District and Branch Court if any UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA				
SHORT TITLE OF CASE PITT v COUNTY OF SAN DIEGO				
2989679	(HEARING) Date	Time	Dept	Case Number: 16CV0515CABNNLS
				REFERENCE NO. PITT

## NOT FOUND PROOF OF SERVICE

I. THE UNDERSIGNED AM AND WAS ON THE DATES HEREIN MENTIONED, OVER THE AGE OF EIGHTEEN YEARS AND NOT A PARTY TO THE ACTION ATTEMPTED TO SERVE THE FOLLOWING

2.I ATTEMPTED TO SERVE THE FOLLOWING:

SUMMONS ON FIRST AMENDED COMPLAINT & FIRST AMENDED COMPLAINT

AND THAT AFTER DUE SEARCH, CAREFUL INQUIRY AND DILIGENT ATTEMPTS AT THE

BUSINESS: 8811 Cuyamaca Street  
Santee CA 92071

I HAVE BEEN UNABLE TO MAKE DELIVERY OF SAID PROCESS ON THE WITHIN NAMED:

DAVID SMITH

04/22/16 09:22 AM BUSINESS IS CLOSED  
04/25/16 01:30 PM PER SHERIFF SUBJECT  
IS OUT ON LEAVE HE HAS BEEN GONE FOR  
A MONTH, WHEN HE COMES BACK HE WILL NOT BE  
RETURNING TO THIS STATION. UNKNOWN WHERE  
HE WILL BE GOING OR WHEN HE IS RETURNING

7a. Person Serving: Gregory Anthony Cole

b. DDS Legal Support  
2900 Bristol St  
Costa Mesa, Ca 92626

c. (714) 662-5555

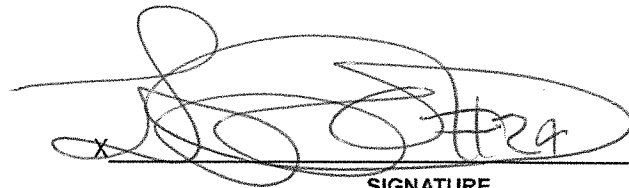
8. I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Gregory Anthony Cole

4/26/2016

d. The fee for service was \$113.40

e. I am:

- (1) not a registered California process server:  
(3) X registered California process server:  
(i) Independent Contractor  
(i) Registration No: 387  
(i) County: SAN DIEGO



SIGNATURE

PROOF OF SERVICE  
EXHIBIT F

CRC 982(A)(23)

Exhibit “G”

5/10/2016

Print

**Subject:** RE: Jimenez -- Joint Motion for physical exam  
**From:** Chapin, James (James.Chapin@sdcounty.ca.gov)  
**To:** jerrysteering@yahoo.com;  
**Date:** Tuesday, May 10, 2016 12:53 PM

Please confirm the exam on June 6 as soon as you can.

Thanks.

---

**From:** Jerry Steering [mailto:jerrysteering@yahoo.com]  
**Sent:** Tuesday, May 10, 2016 11:53 AM  
**To:** Chapin, James; Jerry Steering  
**Subject:** Re: Jimenez -- Joint Motion for physical exam

Thanks Jim.

Jerry L. Steering

On Tuesday, May 10, 2016 11:23 AM, "Chapin, James" <James.Chapin@sdcounty.ca.gov> wrote:

**Jimenez:** We have all three deputies for May 31. I hope that's ok. May I file the Joint Motion for the exam and send an Order?

**Pitt:** I will file an answer for the County on or before May 23, which is the 21 days. You can prepare a Joint Motion on the FAC, or you may note that I have no objection to the filing. I'll track down Smith and get you what I have so you can evaluate the principal. I would like to resolve the case early. Let me know if you would like to mediate or work with the magistrate.

Thanks,

--Jim

---

**From:** Jerry Steering [mailto:jerrysteering@yahoo.com]  
**Sent:** Tuesday, May 10, 2016 11:09 AM  
**To:** Chapin, James; Jerry Steering; Belinda Breznau  
**Subject:** Re: Jimenez -- Joint Motion for physical exam

Hi Jim:

On the Jovan Jimenez case, I'll call Jovan and get him to agree to your Rule 35 defense medical exam. Also, I don't understand why your office can't give me a date on the depositions of your clients prior to 5/31/16. It can't be that difficult. We've been asking for a date for weeks.

**On the Robert Pitt case**, please pursuant to our discussion, please find attached the Notice of Lawsuit and Request to Accept Summons, Waiver of Service of Summons, the First Amended Complaint and the Summons on First Amended Complaint for David Smith. I have already served the County with the original complaint in this action, and as you may recall, I told you to hold-off filing your Answer to the original Complaint, as I was going to file a First Amended Complaint.

As we discussed, when my attorney's service attempted to serve David Smith at his duty station, they stated that he is on leave from the San Diego County Sheriff's Department, that they don't know when he is to come back, and that when he does come back, that they don't know what station he will be assigned to. Accordingly, you agreed to accept service of the lawsuit for the County of San Diego and agreed to attempt to persuade to Deputy Smith to allow you to accept service of the First Amended Complaint and the Summons on First Amended Complaint for him.

As far as service of the First Amended Complaint and the Summons on First Amended Complaint for the County, if my emailing the same to you won't trigger the standard 21 days to respond to the First Amended Complaint (from the date of this email), please advise and I will just have my attorney's service serve the First Amended Complaint and the Summons on First Amended Complaint on the Clerk of the Board of Supervisors, and we will get the 21 period going that way.

I will also need to apply to the District Court to serve the First Amended Complaint and the Summons on First Amended Complaint, late. Please advise if that is okay with you, so I know what to tell the court on that issue.

**On the Robert Pitt case**, I spoke to the lawyer for the defendant Principal, Tim Schwuchow, about one of the state law claims being improperly alleged against his client. They will file their Answer soon.

5/10/2016

Print

The lawyer for Tim Schwuchow claims that he really had nothing to do with the arrest, and that he didn't tell Deputy Smith to arrest Mr. Pitt. Mr. Pitt disagrees, and claims that Principal Tim Schwuchow wasn't physically there when the arrest was made, and that it was the sole decision of Deputy Smith.

I think that we can settle this case early, but in order to do so, I need the arrest report and any recordings of the incident made by Deputy Smith (or anyone else). So, please send me those items so I can evaluate where we all stand.

Again, thanks for your indulgence in this matter.

Jerry L. Steering

On Friday, May 6, 2016 10:27 AM, "Chapin, James" <[James.Chapin@sdcounty.ca.gov](mailto:James.Chapin@sdcounty.ca.gov)> wrote:

Please review the attached Joint Motion and let me know if you will stipulate. I need to proceed with an exam.

Thanks,

--Jim

Exhibit “H”

---

**Subject:** Pitt

---

**From:** Chapin, James (James.Chapin@sdcounty.ca.gov)

---

**To:** jerrysteering@yahoo.com;

---

**Date:** Wednesday, May 11, 2016 9:50 AM

---

I got in touch with David Smith, Jr. I am sending the documents to him. For what it's worth, he was suspended for 45 days. As you know, in law enforcement, that is not a slap on the wrist.

--Jim